

REMARKS/ARGUMENTS

Status of Claims

Claims 1-18 stand rejected.

Claim 1 is currently amended.

Thus, claims 1-18 are pending in this patent application.

The Applicants hereby request further examination and reconsideration of the presently claimed application.

Claim Rejections – 35 U.S.C. § 103

Claims 1-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2004/0004955 (*Lewis*) in view of U.S. Patent Publication 2002/0116669 (*Jain*) and U.S. Patent 7,315,510 (*Owens*). Claims 2-18 depend from independent claim 1, thus claims 1-18 stand or fall on the application of the combination of *Lewis*, *Jain*, and *Owens* to independent claim 1. As noted by the United States Supreme Court in *Graham v. John Deere Co. of Kansas City*, an obviousness determination begins with a finding that **“the prior art as a whole in one form or another contains all of the elements of the claimed invention”**. See *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 22 (U.S. 1966). The Applicants respectfully submit that the combination of *Lewis*, *Jain*, and *Owens* (without conceding that such is proper) does not contain all of the elements of independent claim 1, and therefore fails to render obvious claims 1-18.

The combination of *Lewis*, *Jain*, and *Owens* fails to render obvious claims 1-18 because the combination of *Lewis*, *Jain*, and *Owens* fail to disclose binding a work label switching path (LSP) with a protection LSP in the process of creating the protection LSP. Claim 1 reads:

1. A method for **binding a work label switching path (LSP) with a protection LSP**, comprising:

in the process of creating the protection LSP, a Path Switching Label Switching Router (PSL) transmitting a first message which comprises binding information to a Path Merging Label Switching Router (PML) to request for creating the protection LSP of the work LSP;

the PML router assigning a label for the protection LSP based on the first message, and returning a second message which comprises the binding information;

upon receiving the second message, the PSL router binding the work LSP with the protection LSP according to the binding information, and transmitting a notification message which comprises the binding information to the PML switched router; and

the PML router binding the work LSP with the protection LSP according to the binding information in the notification message.

(Emphasis added). As shown above, claim 1 requires binding a work LSP with a protection LSP **in the process of creating the protection LSP**. In contrast, *Owens* **maintains** a binding of the working LSP and protection/recovery LSP between outgoing labels:

A Protection Domain Path is established by the identification of a protection switch or node and an end point switch or node in the MPLS network. The protection switch element ("PSL") initiates the setup of the working LSP and elements and the recovery LSP and elements. It is also responsible for storing information about which network switch elements or portions thereof have protection enabled, and for **maintaining a binding between outgoing labels specifying the working path and the protection/recovery path**. The latter enables the switchover to the recovery path upon the receipt of a protection switch trigger.

Owens, col. 11, ll. 1-12 (emphasis added). As shown above, *Owens* maintains a binding of the working LSP and protection/recovery LSP between outgoing labels, but does not bind a work LSP with a protection LSP in the process of creating the protection LSP. Thus, *Owens* fails to disclose binding a work LSP with a protection LSP in the process of creating the protection LSP. The Examiner admits that *Lewis* fails to disclose binding a work LSP with a protection LSP, *see* Office Action dated November 10, 2009, pp. 5-6, and *Jain* fails to make up for *Owens*'

deficiency. As such, the combination of *Lewis*, *Jain*, and *Owens* fail to disclose at least one limitation of independent claim 1, and consequently fails to render obvious claims 1-18.

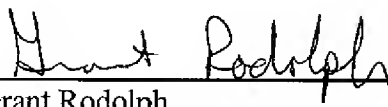
CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by the Applicants. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Final Office Action dated March 2, 2010, has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
CONLEY ROSE, P.C.

Date: 4/29/10


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